

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5386 OF 2016

ORDER:

Heard both sides at length.

2) The impugned order of the lower Court in I.A. No.719 of 2015 dismissing the application of the petitioners 1 to 7 dated 23.09.2016 is set-aside, but for to the extent of 1st petitioner—Lateefunnisa Begum since died and by virtue of the wording of Section 201 of Indian Contract Act, the G.P.A of her is seized to subsist. Apart from it, the 5th petitioner—Sughra Begum not even signatory to the G.P.A, who is a marks woman and there is no affidavit of her of the G.P.A duly executed with her thumb impression and in subsistence for same in dispute.

3) Having regard to the above, the order dismissing the application by the lower Court is set-aside by allowing the application insofar as relating to revision petitioner Nos.2, 3, 4, 6 and 7. It is made clear that so far as petitioner No.5 is concerned, if she says that it bears her thumb impression with her affidavit of due execution she can represent through GPA and thus liberty is given to file fresh petition with affidavit to decide on its own merits. It is made clear that in future any requirement of verification of pleading as contemplated by Rule 33 of C.R.P is required, such a compliance at that stage is no way dispensed with, by virtue of this order. No order as to costs.

4) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.29.11.2016
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